

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

MATTHEW MACSWAN,

Plaintiff,

vs.

RETRIEVAL MASTERS CREDITORS
BUREAU, INC.,

Defendant.

2:14-cv-02185-RFB-VCF

**REPORT AND RECOMMENDATION TO
GRANT IN PART AND DENY IN PART
MOTION TO ENFORCE SETTLEMENT
(#12)**

On February 22, 2015, defendant served plaintiff, by mail and pursuant to Fed. R. Civ. P. 68, with an Offer of Judgment (“OOJ”) (#10, pp. 4-5). The first numbered paragraph of the OOJ offered sums certain for two different categories of damages, totaling \$1,100.01. The second numbered paragraph offered, “reasonable attorney’s fees and costs incurred by Plaintiff in prosecuting the claims alleged in Plaintiff’s Complaint, pursuant to 15 U.S.C. § 1692k(a)(3), as agreed by the parties, and, [sic] in the event no agreement can be reached, as to be determined by the Court.”

On March 3, 2015, defendant filed an acceptance (#10) of the Offer of Judgment, attaching the offer as exhibit 1, a copy of the offer, and as exhibit 2 an invoice detailing “reasonable attorney fees in the amount of \$5,432.50 and costs incurred in the amount of \$457.00 . . .” *id.*

On that same date the Clerk of Court entered judgment in this case in favor of plaintiff and against defendant in the total amount of \$6,890.51. (#11).

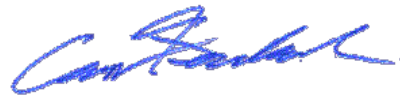
On May 20, 2015, the court held a hearing and heard argument on defendant’s Motion to Enforce Settlement Agreement or, in the alternative, to Correct or Vacate the Judgment Concerning Attorneys’ Fees. (#12). At the conclusion of the hearing, the parties agreed on the record that this motion should be

1 resolved by reducing the total amount of the judgment in favor of the plaintiff and against the defendant
2 in this case from \$6,890.51 to \$6,000.00.

3 Good Cause Appearing, for the reasons discussed during the hearing and pursuant to the stipulation
4 of the parties,

5 IT IS HEREBY RECOMMENDED that an amended judgment be entered in this case, decreeing
6 that Plaintiff, Matthew MacSwan, shall recover from Defendant, Retrieval Masters Creditors Bureau, Inc.,
7 judgment in the amount of \$6,000.00, inclusive of all costs and attorneys' fees.

8 DATED this 20th day of May, 2015.

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12 CAM FERENBACH
13 UNITED STATES MAGISTRATE JUDGE
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